1270

App. F. IX-4

Previous References

193 .

File No. 52 - 38

Serial Nos. 4

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Nil

Part B for Jan 1939

SUBJECT.

Grant of increments to officials employed against temporary vacancies.

A(6)

To the Comptroller & Auditor-Genl SC. Engineers

WD 0295—GPS—22,500—16-8-37

No. H 2072-3 of 6th Jan 39.

I have the honour to refer to Rules 57 & App. 17 of M. S. R. regarding grant of temporary increments as selection grade. Pro. temporary.

A R Weber
11/1/39

Subject :- Grant of increments to officers employed against temporary vacancies

File No. of 193 . ELECTRICAL SECRETARIAT.

Serial No.

or his being confirmed in a temporary post — not a temporary vacancy — in which no other official is confirmed and in such a case, he can get the usual increments even though the post itself is temporary.

The C. & G. observes that according to the above interpretation of the Compte, an official can be permitted to draw increments in a temporary post and not in a temporary vacancy and that he does not quite see the justification for denying increments to officials appointed on a temporary basis against long standing temporary vacancies lasting for 6 months and more, caused by the promotion of permanent men to temporary posts carrying higher pay. The C. & G. further states that, as such appointments do not fall under the category of acting appointments falling under Art. 76 M.S.R., there seems to be

ELECTRICAL SECRETARIAT. | File No. | of 193

Serial No.

Subject. - Grant of increments to officials employed against temporary vacancies -

Reference. - Letter No. 157 dated the 4th July 1936 from the E) Chief Electrical Engineer

---

The C.E.E. brings to notice that the Audit Dept. have taken objection to his allowing increments to officials of the Electrical Dept. employed in temporary vacancies. In his letter dated the 18th / 19th March 1936 addressed to the C.E.E., the Comptroller states that under Art 76 M.S.R. an officer without a substantive appointment cannot get any increment in a graded scale in which he acts or is appointed temporarily. The Comptroller, however adds, that there is no objection

[P.T.O.

Subject — Grant of increments to officials appointed against temporary vacancies.

ELECTRICAL. SECRETARIAT. | File No. of 193 .

Serial No.

no reason to deny the same privilege of earning increments as these are sub-protem appointments under Article 65 Mysore Service Regulations, as in the case of temporary vacancies mentioned by the Comptroller. The Comptroller's objection is stated to be that two officials will be counting service against one and the same appointment in the case of sub-protem vacancies.

The Chief Electrical Engineer requests sanction of Government for permitting grant of increments to officials even in temporary vacancies of 6 months or more in the same grade on the temporary and for confirming them eventually pay drawn at the time of confirmation. Incidentally the Chief Electrical Engineer mentions that the above practice is being followed in the Public Works Department and in the Comptroller's Office.

Whether similar practice is being followed in the P.W.D may be ascertained from the P.W.D Secty.

31-7-36

Many Mr Sub. MC

EDS 291
Encl. The file relating to it
27- 8/1.8.36

40740 86
1-8-36.

H.S. Subject :- Grant of increments to officials appointed against temporary vacancies.

D. No. 194. File No. of 193 D/31/8/36 ELECTRICAL SECRETARIAT.

Serial No.

Reference :- E. C. Memo No. 107 dated the 15th Aug. 1936 from the 2) Asst. Secy to Govt. P.W. Dept.

The procedure followed in the P.W.D. is set forth in the above memo. It is stated therein that Sub position service is taken into account for regulating increments as it Counts towards calculation of pension under Art. 322 (C) M.R.

The question may be referred to the Financial Secretary for opinion.

BK
20.8.36.

Submitted for F.S's opinion.

31/8/36

for
19.8.36

19th

FINANCIAL SECRETARIAT
U.O.No. Fi. 265/A
2. SEP. 1936
BANGALORE.

WD 719—GPB—2,000—8-11-35

Serial No.

Je265/A

It is not clear whether the Chief Electrical Engineer's proposal is to continue a longstanding practice or to grant a new concession. Comptroller's letter dated 19-3-36 does not cover all the points raised by the Chief Electrical Engineer, e.g., cases of an officer appointed to hold a temporary appointment in place of the previous incumbent on other duty for more than six months. There are the following two classes of cases,:--

(1)Officers appointed to hold temporary posts substantively, i.e., so long as the temporary post continues, having superior lien on them

(2)Officers appointed to hold temporary posts, temporarily, during the absence of previous incumbents having superior lien on them, on leave or other duty.

The rule and the practice so far followed in each of these cases, with regard to the grant of increments and the fixing of the inital pay after confirmation in a permanent post subsequently, may be noted clearly.

The Chief Electrical Engineer also refers to the practice in the Comptroller's office and the P W D with regard to the grant of increments. The practice followed in these offices and the rule on which it is based may be mentioned

To Comptroller with compliments for favour of a detailed report on all the points.

W.H.W.11 2/12/36

ACCOUNTANT GENERAL'S OFFICE 513/Spl. 3 DEC 1936 BANGALORE

W.O.7.No.51 W.A.D2 D/4/12/36

Q. 77 3.5 a.d. 1.37

2nd December 1936.

Financial Secretary

2/12

WD 0417--GPB—80,000-8-9-36

File No. of 193 . General and Revenue Secretariat

U.O.No.760/B.II. Dated: 17th February 1937. Serial No.

N.P. 750/Spl dated 18-2-37.

Returned with compliments.

An Officer holding a temporary post substantively, i.e., without anyone else having a lien on it, counts under Articles 65 & 83 of the M.S.R. his service in such post not only for the usual increments attached to it but also for fixing his initial pay on confirmation in the same post, when it is made permanent;

But in the case of an officer appointed in a temporary vacancy to a temporary post the substantive holder of which retains a lien on it and is merely absent on leave or other temporary duty (vide item (2) in the Financial Secretary's note dated 2-12-1936) the regulations in Appendix B to M.S.R. governing the service of temporary employees contain no provision for making a sub-pro-tem arrangement Articles 62 & 63 of the M.S.R. are also against the admissibility of other than acting arrangements in such cases ordinarily. ~~The service of such an officer is therefore on an officiating basis and does not ordinarily admit of being counted for increments or for fixing initial pay.~~

The practice in regard to the temporary vacancies arising in the temporary establishments of the Public Works Department and this office, which are generally sanctioned for indefinite periods has been to ~~verify~~ allow increments as in the case of S.P.T. arrangements when the conditions of Article 65 are satisfied. In this connection kind reference is also invited to this office U.O.Note No.

Fe 265/A
W.O.2 B11
29/7

Serial No.

No.371/WAD.2. dated 14-9-1936 on a relative subject.

There were clear rules governing similar cases in the Government of India - vide Articles 76 A to 76 D of Civil Service Regulations, Fifth Edition (Third reprint), and the practice must have been based on similar rulings in this office. It is desirable to introduce suitable rules in Appendix B to Mysore Service Regulations to make the position clear regarding officiating and S.P.T. arrangements in purely temporary appointments.

Comptroller.

S.S.

17/2/37

To clear the doubts, the following note may perhaps be inserted under Article 55 M S R, and also under Rule II of Appendix B M S R:--

"Note. A temporary post can be held either substantively or in an officiating capacity. In certain cases, as defined in Articles 65 to 67, it is admissible to appoint an officer as "substantively pro-tempore" instead of appointing him to officiate*.

To Comptroller, with compliments, for favour of remarks.

By order,

25-7-38.

For Financial Secretary.

W.A.W.11

COMPTROLLER'S OFFICE 524/Spl 28 JUL 1938 BANGALORE

[P.T.O.

File No. 949/B1 of 193 | ELECTRICAL SECRETARY

No. 125/spl dated 22-8-38

U.O.No.118/B-ii. dated 17th August 1938.

Serial No.

Returned with compliments.

2. The meaning of the word "substantively" in the proposed note may perhaps be made clear by adding the words "i.e., having a superior lien on it so long as the temporary post continues" immediately after it.

This appears to be unnecessary

3. The matter contained in the proposed note may be inserted as Rule II of Appendix "B" under the heading "Regulation of Pay and Allowances", renumbering the existing Rules II and III as Rules III and IV.

May be adopted

Comptroller in Charge.

KR)

FINANCIAL SECRETARY 23 AUG. 1938 GOVT. OF MYSORE

24 8 38

A draft a.c. slip is accordingly put up for approval.

13/9

13.9.38.

FINANCIAL BRANCH 13 SEP. 1938 949 GENL. & REV. SECTT.

This amendment is but a regularisation of the existing practice & formal sanction has been accorded in the past on each occasion. Hence the proposed amendment will remove all doubts & may be approved

SECOND MEJBE... 15 SEPT 1938 No. 2006

13.9.38

Dewan

Com(Mr)

Fin(Mr)

WD 719—GPB—2,000—8-11-35

TYPING SECTION 16 SEP 19 GENL. & REV.

15/9/38

16.9.38

545

9

General and Revenue Secretariat 54 | File No. 62 of 193 8. [App. F. III—2

Serial No.	
4	

To Comptr: Ch. El. Engineer
No 2072-3 dt. 6/10/38
Memo A/C Rules to Vehicles
53rd Amdt B/F Sheet re holding 2
a Company post- as "Subsidiary Pro-tempore"

—

23 MR 38/1/39.

NOTE—Contn. Sheet.

WD 0544—GPB—30,000—2-9-38

TELEPHONE NO. 345.
IN REPLY REFER TO
No. 157
ENCLO. 8...2...
TELEGRAPHIC ADDRESS
"GOMED"

CODE USED
BENTLEY'S LIEBER'S
A. B. C. 6th EDITION.
USINESS TELEGRAPH CODE

GOVERNMENT OF MYSORE
ELECTRICAL DEPARTMENT

OFFICE OF THE CHIEF ELECTRICAL ENGINEER,
Bangalore 4th July 1936.
(MYSORE S. INDIA.)

From

MR. F. N. MOWDAWALLA, M.A., B.Sc., M.I.E.E., Mem.A.I.E.E., M.I.E.,
CHIEF ELECTRICAL ENGINEER
TO THE GOVERNMENT OF MYSORE,
BANGALORE.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
ELECTRICAL DEPARTMENT, BANGALORE.

SUBJECT: Grant of increments to officials employed against temporary vacancies.

Sir,

In forwarding herewith copies of this office letter No.3465 dated 23rd September 1935 addressed to the Comptroller and letter No.146/Hr.A. dated 18/19-3-1936 received from him in reply thereto, I have the honour to state that according to the interpretation of the Comptroller, an official can be permitted to draw increments in a temporary post and not a temporary vacancy. I do not quite see the justification for denying increments to officials appointed on a temporary basis against longstanding temporary vacancies lasting for 6 months and more caused by the promotion of permanent men to temporary posts carrying higher pay. As such appointments do not fall under the category of acting appointments falling under Article 76 M.S.R., but are of the nature of Sub-Protem appointments contemplated in Article 65 M.S.R., there seems to be no reason to deny the same privilege of earning increments as is enjoyed by the holders of appointments of the latter class. In view of the procedure of -- granting increments in temporary vacancies and subsequently confirming the officials in the same grade being in vogue in this Department all

along in accordance with the provision of Art.65 M.S.R., the interpretation of the Comptroller works as a hardship in the case of most of the officials recruited during the last two years. I also understand that this is the practice in the Comptroller's Office and the Public Works Department. I have, therefore, to request sanction of Government permitting the grant of increments to officials even in temporary vacancies of six months or more and confirming them eventually in the same grade on the temporary pay drawn at the time of confirmation.

I have the honour to be,

S i r,

Your most obedient servant,

P.N. Mondanwalla

Chief Electrical Engineer.

E.D.S

577/36 6/7

12
12

Letter No.146/Hr.A. dated the 18/19th March 1936 from the Comptroller in Mysore, Bangalore, to the Chief Electrical Engineer to the Government of Mysore, Bangalore.

With reference to your letter No.3465 dated 23-9-1935 re: increments to officials, I have the honour to state that under Art.76, Mysore Service Regulations, an officer without a substantive appointment cannot get any increment in a graded scale in which he acts or is appointed temporarily. There is no objection for his being confirmed in a temporary post - not a temporary vacancy - in which no other official is confirmed and in such a case he can get the usual increments even though the post itself is temporary.

COPY,

(By order)

C R Chidambaram
4/7

Head Clerk,
C. E. E's Office.

13

12

Letter No.3465 dated 23rd September 1935 from the Chief Electrical Engineer to the Government of Mysore, Bangalore, to the Comptroller in Mysore, Bangalore.

INCREMENTS TO OFFICIALS EMPLOYED AGAINST TEMPORARY VACANCIES.

I have the honour to state that proposals for granting increments to officials employed against temporary, but longstanding vacancies released either due to promotion or deputation of permanent incumbents on temporary duties against appointments sanctioned for temporary periods are being objected to by the Financial Branch on the ground that service rendered by an official in such cases - prior to confirmation does not count for increments as it would - amount to both the temporary and permanent incumbents counting service against the same appointment for purposes of increments. When a person is appointed in a graded post, which is vacant, it is but reasonable that he should get the increments due year after year and this benefit cannot in fairness be refused just because the official has not been confirmed. I do not think it is correct interpretation to say that both the officials will be counting service against one and the same appointment as each has to be taken to count service against two separate appointments, i.e., one permanent and the other temporary. I understand that temporary officials working in your office are being granted increments in the usual course and subsequently fixed on the pay drawn by him at the time of confirmation. I shall, therefore, be glad to have your views in the matter.

As an example I would refer you to the following instance:-

One T.D.Chandran was appointed on 20-9-34 as Temporary Ledger Clerk on Rs30/- in grade Rs30-3-45 in place of one T.S.Sreeprakasam Pillay, who was promoted as Temporary Accounts Clerk in grade Rs35-3-6 and he was subsequently confirmed as Bill Clerk on the same grade of Rs30-3-45, from 1-6-1935, in an existing vacancy. Since the appointments of Clerks, Bill Clerks, Ledger Clerks, etc. on Rs30-3-45 are interchangeable, an increment of Rs3/- was due to Chandran from --

20-9-1935, i.e., after completing one year's service in the grade. But the same has been objected to by the Financial Branch on the ground that the period would count for increment only from the date of confirmation, viz., 1-6-1935, and not from the date of appointment in the temporary vacancy.

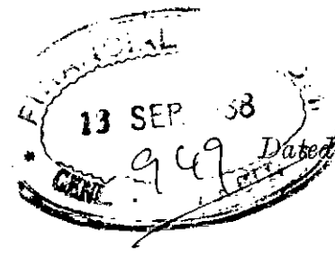
COPY

(By order)

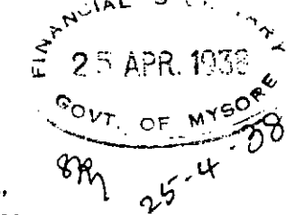
Orchid autom 4/7

Head Clerk,
C. E. E's Office.

No. E.D.S. 1873
Encls. Two.



ELECTRICAL SECRETARIAT,
Dated Bangalore, 25th April 1938.



7(265)A
M.K

FROM

Diwan Bahadur
N. N. AYYANGAR, Esq., B.A., L.C.E., M.I.E. (Ind.), I.S.E.,
Secretary to the Government of Mysore,
Electrical Department,
Bangalore.

To

The Secretary to Government,
Financial Department,
Bangalore.

Sir,

Subject:- Grant of increments to officials employed against temporary -- vacancies.

I am directed to invite a reference to this office note No.D.194 dated 31st August 1936 on the above subject, and to request that the file of papers therewith forwarded may kindly be returned very early to enable further action being taken in the matter.

2. A copy of the Chief Electrical Engineer's letter No.17045 dated 14th April 1938 together with its enclosure, received in the matter is herewith forwarded for information.

I have the honour to be,
Sir,
Your most obedient servant,

D. S. Venkama 22.4.38
For Secretary to Government,
Electrical Department.

V.D.

Letter No.17045 dated 14th April 1938 from the Chief Electrical Engineer to the Government of Mysore to the Secretary to Government, Electrical Department, Bangalore.

Grant of increments to officials employed against temporary vacancies.

I have the honour to invite kind reference to this office letter No.157 dated the 4th July 1936 re: the above, and to request you to kindly obtain early sanction of Government for the recommendations made therein.

2. In this connection, I would invite your kind reference to G.O. No.2291/S dated 21-2-1938 issued by the Secretary to Government, Public Works Department, copy enclosed, permitting increments to temporary Surveyors.

"C O P Y"

D.S. Venkatarama 22-4-38
Asst. Engineer 6 for,
Electrical Department

17

Letter No.2291/S dated 21st February 1938 from the Secretary to Government, Public Works Department, Bangalore to the Comptroller of Mysore (through the Financial Secretary to -- Government), Bangalore.

I am directed to convey the sanction of Government to the temporary surveyors who were recruited to the Public Works -- Department on Rs.50 and Rs.60 being granted increments in the grade of Rs.35-5/2-80. The first increment of Rs.5/- may be granted with effect from the date of order, in the case of those who have a service of not less than two years in the -- aggregate on the date of order.

" C O P Y "

D. S. Venkatarama 22.4.38
Asst Surveyor of Fors,
Electrical Department

By

Public Works Secretariat. | File No. of 193

Serial No.

No.Lo.107.
15-8-1936.

ELECTRICAL SECRETARIAT
BANGALORE.
Reg. No. 286
Date. 19.8.36

In the Public Works Department, increments to the temporary officials, are being passed, after they render the prescribed period of qualifying service in a graded scale. Most of these appointments, or the vacancies against which the temporary hands are counted are of the nature of Sub-protem appointments. As Sub-protem service counts under Article 322 (c) towards calculation of pension, it is like-wise taken to count for regulating increments.

2. A copy of letter No. 574(WAD Misc) dated the 2nd June 1934, from the Comptroller to the address of the Superintending Engineer, Shimoga Circle, is enclosed.

12.8.36

Electrical Secretariat
with compliments.

E.D.S
15.8.36

TRNSN/12.8

Note.—Contn. sheet.

WD 584—GBPM—5,000—21-10-32.

Letter No. 574 WAD.Mis, dated 2nd June from the Comptroller to the Government of Mysore, Bangalore, to the Superintending Engineer, Shimoga Circle, Shimoga.

With reference to your letter No. 8079 dated 15th May 1934, re: the increment of Mr. C.Narayana Rao, Head Clerk, Shimoga Division, I have the honour to state that:-

(1) after the issue of Government Order No. Fl 738-97/G.F. 16-32-15 dated 23rd June 1933 a continuous service of three years would not be necessary for purpose of granting increments.

(2) the clerk in question is evidently appointed against the appointment on a permanent scale and the exact nature of the appointment (whether acting, sub-pro-tem etc.,) is not clearly stated. If the appointment is only acting he is not entitled to increments Art. 76 Mysore Service Regulations. If however, he is appointed Sub-protem or provisionally permanent according to nature of the vacancy or if he is a temporary hand appointed against a temporary post of a progressive scale but working on a permanent establishment without his lien being changed, the increment may be sanctioned although he is not yet confirmed.

***

What is this abt
M. Shiv Prasad

15.8.36

TRNSN/12.8

WADs

Despatches to S/A Section.

U.O.No.371/WAD 2 dated 14-9-36

Returned with compliments.

File

It is learnt that Mr. K.R.N.Iyengar held different appointments temporarily as noted below

Temporary Operator on 100 in grade
100-10-150 from 6-6-32 to 30-11-1932
Temporary Operator on 100 in grade
100-10-150-10-200 from 1-12-32 to 21-12-32
Temporary Government Building
Inspector on Rs 100 in grade
100-10-150 from 22-12-32

in which he was confirmed on 24-8-33 when he was drawing Rs 110 as he was allowed one increment of Rs 10/- from 6-5-1933 after one year's service in the temporary appointments.

Since the officer held no substantive appointment at the time of confirmation the Financial Assistant to the Chief Electrical Engineer is of opinion that the officer should on confirmation start on the minimum pay of the appointment as per Article 83(a) of A.S.R.

The Chief Electrical Engineer has not stated the nature of the vacancies in which the officer was appointed prior to 23-12-1932. As the appointments held prior to this date are stated to be different ones and the vacancies therein appear to be of an Officiating nature only and not sub protem, the Finl: Assistant's objection is in order. However, if the vacancy of temporary Government Building Inspector

from

from 22-12-32 to 24-9-33 can be treated as a sub protem and Government specifically order that the period spent in this temporary vacancy may be counted for purposes of allowing the increment under Article 84(a) of M.S.R. there is no objection to fix the pay of the officer at Rs 100/- the minimum pay of the post from 22-12-1932 and allow increments in the grade of Rs 100-10-150 from that date.

Comptroller in charge

Appendix F G—1]

949

W

SUBJECT .....

.....

.....

Section S+A.

File No. 52-38

Serial No. 4

Diary No. of letter replied to.....

No. H 2072-73.

Draft a.c. Hyb to M.S.R.

To

Page 18 Article 55

Insert the following as a note under this Article

"Note A temporary post can be held either substantively or in an officiating capacity. In certain cases, as defined in Articles 65 to 67, it is admissible to appoint an officer as "substantively pro-tempore" instead of appointing him to officiate"

General and Revenue Secretariat

( )

the 193 .

Date of issue 6th October 1938

Signed by Mr. H. Nizamjan for Hrs.

List of enclosures.....

Page 184 Appendix B

Insert the following as Rule II renumbering the existing Rules II and III as Rules

Copied by .....

Examined by.....

23

III and IV

"Regulation of Pay and Allowances"

11 A temporary post can be held either substantively or in an officiating capacity. In certain cases, as defined in Articles 65 & 67, it is admissible to appoint an officer as 'substantively protempore' instead of appointing him to officiate."

AG 13/9/38

HC/13/9 Financial Secretary

To the Comptroller

To the Chief Electrical Engineer with reference to his letter no. 157 dt 4.7.1936.

MM

13.9.38

No.:F1.2072-73/S:&A.52-38-4.

Bangalore, dated 6th Octr. 1938

Addenda and Corrigenda.

Page 18. Article 55.

Insert the following as a note under this Article

"Note. A temporary post can be held either substantively or in an officiating capacity. In certain cases as defined in Articles 65 to 67, it is admissible to appoint an officer as "substantively pro-tempore" instead of appointing him to officiate."

Page 184. Appendix B.

Insert the following as Rule II renumbering the existing Rules II and III as Rules III and IV.

"Regulation of Pay and Allowances."

"II. A temporary post can be held either substantively or in an officiating capacity. In certain cases, as -- defined in Articles 65 to 67, it is admissible to appoint an officer as 'substantively pro-tempore' instead of -- appointing him to officiate."

Sd/- A.N. Raghavachar,

Financial Secretary to Governmnt

To

The Comptroller to Government.
" Chief Electrical Engineer in Mysore with reference to his letter No.157 dated 4-7-1936.

C O P Y.

No. E.D.S. 2410
Encls.

ELECTRICAL SECRETARIAT,
Dated Bangalore, 3 April 1939

FROM

The Secretary to the Government of Mysore,
Electrical Department,
Bangalore.

To

The Financial Secretary to Government,
B a n g a l o r e.

S i r.

Subject:- Grant of increment to officials employed against temporary vacancies.

I am directed to invite a reference to correspondence ending with this office letter No.967 dated the 31st October 1938 on the above subject and to request to be informed of the stage in which the matter stands at present.

I have the honour to be,
S i r,
Your most obedient servant,

D. S. Venkatarayya 4/39
For Secretary to Government,
Electrical Department.

A.N.

A draft reply is put up for approval.

15.4.39

Memo

Reference is invited to amendment slip no FL 2072-73 S&A 52-38-4 D 6.10.1938 that has issued in the matter of grant of increments to officials employed against temporary vacancies.

The file S&A 52-38-4 containing the Electrical Secretariat papers on the above subject is placed below for reference and return.

Electrical Secty.
17-4-39.

Joint Financial Secretary

Letter No.EDS.967 dated the 31st October 1938, from the Secretary to Government, Electrical Department, Bangalore, to the Financial Secretary to Government, Bangalore.

Subject:- Grant of increments to officials employed against temporary vacancies.

I am directed to invite a reference to correspondence ending with this office Note No.D.194 dated the 31st August 1936 on the above subject and to request that the file of papers therein mentioned may kindly be returned very early to enable necessary action being taken in the matter.

" Copy "

1/4